

HAMILTON PLANNING BOARD
OPEN SPACE AND FARMLAND PRESERVATION DEVELOPMENT BYLAW
(OSFPD)
RULES AND REGULATIONS
Adopted September 27, 2005

The OPEN SPACE AND FARMLAND PRESERVATION DEVELOPMENT BYLAW (OSFPD) Rules and Regulations have been written as an addendum to the Hamilton Planning Board Rules and Regulations Governing Special Permits. The Application Form, Fee, and General Notes apply to the OSFPD Bylaw Special Permit section 2. below

In addition, the following requirements apply to OSFPD (Note: All Section references are to the OSFPD Zoning Bylaw, Section V.12.)

1. Pre-Application Conference (Section 12.5)

- A. The Applicant should request a meeting date at least two weeks prior to the Planning Board meeting.
- B. The Planning Board will notify all parties listed in Section 12.5. of the upcoming meeting, and forward the information listed in C. below.
- C. Sufficient information should be furnished to identify the parcel and parties involved:
 - 1) Name, address, and phone number of Owner
 - 2) Name, address, and phone number of Applicant
 - 3) Address of the parcel, Assessors' Map and Lot Number, Zoning District, and locus map.
 - 4) A brief description of the property including area, frontage, existing structures, general topography, soils, easements, restrictions, and known resources.
 - 5) Data available, as listed in Section 12.6.a, should be submitted
- D. The Applicant is required to submit an electronic copy of the above to the Planning Board, in addition to eighteen copies of the submittal.
- E. The Design Process outlined in Section 12.7 shall be discussed at the Pre-Application conference.
- F. If a Site Walk is scheduled, and the Applicant is not the Owner, written authorization from the Owner allowing public officials and interested parties to enter upon the property must be received prior to the Site Walk.

2. Special Permit Application Procedures (Section 12.6-7)

- A. The Application to the Planning Board should include the following:
 - 1) Completed Application Form, signed by all Owners and Applicants
 - 2) Required Fee
 - 3) A copy of the recorded deed to the property
 - 4) A check made payable to "Postmaster" with the dollar amount necessary to send notice of the Public Hearing by Certified Mail to Abutters
 - 5) All data used to prepare Yield Analysis & Concept Plan
 - 6) Yield Analysis, size 24" x 36".
 - 7) Concept Plan, consisting of all items listed under Section 12.6.d., and design process outlined in Section 12.7, size 24" x 36".
 - 8) A written summary of the proposal and plan details as outlined in Section 6.d.1-10: number and type of units, number of bedrooms, square footage of units, parking calculations, length of driveways, common driveways, square footage of developed area,

open space area, percentage of impervious area, location of perc and groundwater tests, type and general location of wastewater disposal system

9) Conceptual locations of buffer areas (Section 12.10.b.iii) and for Stormwater Runoff and Drainage (Section 12.12.b.iv)

10) Public Benefit Incentives: list of Public Benefit Incentives sought, and calculations for increase in density, must be provided

11) Common Open Space (Section 12.8)

a. Calculations of open space and developed land shall be provided, with percentages of each, in order to prove compliance with Section 12.8.

b. A statement as to proposed ownership and management of the Common Open Space must be provided.

B. Nineteen copies of the filing shall be submitted to the Planning Board for distribution to public officials listed in Section 12.11.b. The Applicant is responsible for submitting a copy to the Town Clerk to be time-stamped.

C. The Applicant is required to submit an electronic copy of the above to the Planning Board, in addition to copies of the submittal.

D. Following filing of the Planning Board Decision, and appeal period, the Applicant must record the Decision at the Registry of Deeds and supply the Board with proof of recording before filing a Definitive Subdivision Plan or Cluster Design Plan for approval.

3. Cluster Design Plan Submittal (Section 12.17.a.)

A. Nineteen copies of the filing shall be submitted to the Planning Board for distribution to public officials listed in Section 12.11.b. The Applicant is responsible for submitting a full copy to the Town Clerk to be time-stamped. The Applicant is required to submit an electronic copy to the Planning Board also.

B. Distribution of the plans will be as follows:

9 complete copies for the Planning Board (7 board members, Planning Coordinator, Technical Review Agent), and 10 copies of items 1), 6), 7), 8)a. and 14) below.

C. The Application to the Planning Board shall include the following:

1) Completed Application Form, signed by all Owners and Applicants

2) A copy of the recorded deed to the property

3) Fees per the following Fee Structure

a. A Filing Fee of \$2000. and a Per Dwelling Unit Fee of \$500.

b. For units which are to be deed restricted as Affordable Housing, the per unit fee will be waived.

4) Technical Review Fee deposit in the amount of \$5000 per M.G.L. Chapter 44, Section 53G.

5) A check made payable to "Postmaster" with the dollar amount necessary to send notice of the Public Hearing by Certified Mail to Abutters.

6) The name and address of the property owner and the applicant, if different from the property owner; a narrative describing the nature and location of the project and the site, including a legal description of the property; complete dimensions and area; the zoning classification(s) that apply to the property; Assessor's Map and lot numbers; the proposed building or addition size with a breakdown of proposed use(s); a description of measures the applicant proposes to prevent soil erosion and storm water runoff during construction; estimated cost of all site improvements; projected public water demand; projected parking spaces required for the development, as applicable a description of the applicant's plans for ongoing site maintenance following project completion; and a discussion of how the proposed development furthers the goals of the Hamilton Master Plan.

7) A list of Requested Waivers.

- 8) The Cluster Design Plan must include the following information unless the Planning Board agrees in writing to waive any materials not relevant to a proposed development.
- a. A one-page sheet showing general site plan, driveway layout, proposed location of buildings and amenities, and open space parcel(s), and locus map. The purpose of this sheet is for distribution to public officials other than Planning Board.
 - b. Scale, elevations and locus map. The Cluster Design Plan shall include a site plan at a scale of one-inch equals forty feet (1"=40') or such other scale as the Planning Board may allow. Profiles of each individual street or service road shall be provided at a vertical scale not to exceed one inch equals four feet (1"=4'). Elevations shall refer to the bench mark or datum utilized. Sheet size shall be twenty-four by thirty-six (24 x 36) inches including a one-inch border. All plans shall be accompanied by a locus map at one (1) inch equals two thousand (2,000) feet.
 - c. Contents. The Cluster Design Plan shall include one or more appropriately scaled maps or drawings of the property, stamped by a Massachusetts Registered Professional Engineer, Registered Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, except that the water and wastewater portions of the site plan must be stamped by a Registered Professional Engineer. At minimum, the submittal shall include:
 - d. A site plan that contains:
 - (1) A title block showing the name of the site, the date, scale, name(s) of the owner(s) and the signature and seal of the Registered Professional Engineer, Architect or Landscape Architect.
 - (2) North arrow and benchmarks used.
 - (3) Parcel lot lines, dimensions, area and zoning classification(s) for the tract and abutting parcels.
 - (4) Location, footprint, height and use of all existing and proposed buildings or structures, total area of buildings in square feet, streets, ways, drives, driveway openings within 300 feet of the site boundaries, walkways, service areas, parking spaces, fences and screening, utilities, waste storage and disposal facilities, wells, and drainage facilities.
 - (5) Proposed surface treatment of paved areas and the location and design of drainage systems with drainage calculations prepared by a registered professional engineer.
 - (6) The location and description of all proposed septic systems, water supply, storm drainage systems, utilities, and refuse and other disposal methods, noting applicable approvals, if received.
 - (7) Existing and proposed topographical contours of the property, taken at a minimum contour interval of two feet by a registered professional engineer or registered land surveyor.
 - (8) Vegetation, indicating areas of retained vegetation, the location of any trees of more than eight inches in diameter and specimen trees of more than four inches in diameter, both measured as diameter at breast height (dbh), including trees located in the road right of way, and other unique natural features.
 - (9) The location of wetlands and other areas subject to control under the Massachusetts Wetlands Protection Act, M.G.L. c. 131, Section 40, and the Town of Hamilton Wetlands Bylaw, Chapter 17, Conservation, or any successor statutes and bylaws thereto, including regulatory buffer zones or setbacks from resource areas, identified through field survey acceptable to

the Conservation Commission; flood plain boundaries; and erosion control measures.

(10) Location of all water resource protection areas, if any portion of the site is within 1,000 feet of a DEP Zone II, interim wellhead protection area or any surface water protection zone.

(11) Lighting plan showing the location, height, intensity, and bulb type of all external lighting fixtures, the direction of illumination, and methods to reduce glare onto adjoining properties.

(12) Landscaping plan showing the location, botanical and common names, number and size of plant types, and the locations and elevation and/or height of planting beds, fences, walls, steps, paths and other walkways and or sidewalks. Where trees are to be preserved in areas of cut or fill, specific grading measures or other protective devices such as tree wells, tree walls, or specialized fill and pavement designs, shall be fully detailed on the landscape plan. Low Impact Development Techniques shall be utilized.

(13) Location and description of all proposed open space.

(14) Location, height, elevation, interior and exterior dimensions and uses of all buildings or structures, both proposed and existing; location, number and area of floors; number and type of dwelling units; location of emergency exits, retaining walls, existing and proposed signs.

(15) Additional information that may be required by the Planning Board, as reasonably necessary, to make determinations required by this Bylaw.

e. Analysis of environmental impacts. The applicant shall submit an analysis of existing and expected post-development environmental conditions, including but not limited to the use of best practices proposed to prevent pollution of surface and ground water, erosion of soil, excessive runoff of precipitation, excessive raising or lowering of the water table, or flooding of other properties; measures to protect air quality, conserve water, minimize noise levels, prevent harmful or noxious emissions, and damage or threat to wetlands and flood plain, and the visual environment.

f. Construction Design Requirements. Construction details shall conform with Section VI. *Required Improvements* in Hamilton Planning Board Subdivision Regulations.

g. Analysis of traffic impacts. The Planning Board may require a traffic study unless a traffic study was previously submitted to and accepted by the Planning Board during the OSFPD Special Permit process. The Planning Board may require the applicant to prepare a traffic study for an OSFPD if the site location, anticipated total trip generation, circulation patterns or other factors warrant a more extensive review of traffic impacts.

4. Waivers: Strict compliance with the requirements of these rules and regulations may be waived when, in the judgment of the Board, such action is in the public interest and not inconsistent with OSFPD.

5. Cluster Design Plan Standards. A Cluster Design Plan will be reviewed for consistency with the following Development Standards. A standard expressed as “shall” is a requirement for any OSFPD Development unless the applicant demonstrates to the satisfaction of the Planning Board that strict compliance would render the development infeasible. A standard expressed as “should” indicates a local priority that the applicant is expected to meet through all commercially reasonable efforts.

A. General Site Planning Standards.

- 1) Access roads, off-street parking, sidewalks, pathways, trails, buildings and lots in the proposed development should integrate with surrounding properties without undue safety problems or undue nuisance compared to a conventional single-family home development.
- 2) Overall layout and design should achieve a reasonable and appropriate relationship between the proposed development and the topography on the site, considering features that are important to the site, the surrounding area, or the Town as a whole.
- 3) Natural features such as topography, streams, mature trees or clusters of trees, slopes, natural drainage areas, views, vistas, and historic or archeological features should be treated as fixed determinants of road configuration and building envelopes rather than as elements that can be changed for a particular development scheme.
- 4) The development should make adequate provisions for public safety, protection from fire and flood, and maintenance of public facilities, streets, utilities, and open space.
- 5) The use of Low-Impact Development Techniques is encouraged.

B. Open Space Design.

- 1) Tree-lined or otherwise appropriately landscaped pedestrian paths and walkways should connect areas designated as common open space and where applicable, to adjoining public areas.
- 2) Large buffer areas of existing vegetation should be provided around building groupings and building envelopes, thereby minimizing the amount of site clearing and grading required and preserving existing land cover and mature vegetation.
- 3) Access to open spaces and recreation areas or facilities should be barrier-free to serve the physically handicapped, elderly, and children through the provision of accessible, pedestrian-oriented features such as walkways, outdoor sitting plazas, and drop-off areas.

C. Environmental Standards

- 1) Common open space requirements in a Cluster Design Plan shall be met first by protecting features of the environment, which are unique or peculiar to the site and its context as identified in the OSFPD design process. These features include species or complexes of flora or fauna or their habitats, areas of strong scenic quality, soils, geology and topography. Interruption of ecologically significant systems such as trails to food, water or wildlife habitats should be avoided or kept to a minimum. Maintenance of common open space or facilities and reserved land shall include specific provisions to protect the natural environment, as it exists.
- 2) Trees and shrubs already existing on the site should be preserved to the greatest extent feasible, as agreed by the applicant and the Planning Board.
- 3) New plantings shall consist of non-invasive species. The Planning Board maintains a list of recommended plants, which an Applicant should consider.
- 4) All slopes in excess of fifteen (15%) percent and any unstable soils, trees and rocks shall be protected against erosion and runoff. The applicant shall take reasonable and appropriate measures to stabilize the land surface from unnecessary disruption.
- 5) The storm water management system shall comply with the Massachusetts Department of Environmental Protection (DEP) Storm Water Management Policy as most recently amended. Surface water runoff from structures and impervious surfaces shall be collected on site, but in no case shall surface water drainage be directed across sidewalks or public or private ways. In general, an OSFPD should use non-structural storm water management techniques wherever possible, e.g., swales or vegetated draining channels, and other techniques that reduce impervious surface, facilitate infiltration and allow for adequate settling of suspended solids, incorporating best management practices to prevent non-point source pollution.

- 6) An OSFPD shall not adversely affect groundwater resources. All systems which deliver or may discharge water into the ground shall be adequate to treat the water and to monitor treatment so as to meet any and all applicable effluent standards of the Board of Health or DEP, as applicable, in light of the particular structure, its proposed use and the soil and groundwater conditions of the proposed site.
- 7) An OSFPD shall be designed to conserve water for domestic consumption and for lawn and landscaping maintenance.
- 8) The Planning Board encourages, where practical and appropriate, site and buildings in an OSFPD that incorporate Leadership in Energy and Environmental Design for residential dwellings (LEED-H) and, compliance with Low-Impact Development (LID) techniques, policies, or guidelines of DEP.

D. Lighting and Landscaping

- 1) The development should provide adequate illumination of parking lots and other areas for vehicular and pedestrian circulation. No freestanding illumination devices shall be installed to a height exceeding 15 feet. Lighting should not unreasonably interfere with the use and enjoyment of property within an OSFPD or in surrounding areas. Outdoor electrically powered illuminating devices, lighting practices, and systems which will reduce light pollution and conserve energy while maintaining reasonable nighttime safety and security should be employed wherever possible.
- 2) The scale and nature of landscaping materials should be appropriate to the size of the structures in an OSFPD, and the available space and growth characteristics of proposed plantings. Materials shall be located to avoid interference with overhead or underground utilities and utility easements or vehicular and pedestrian movement and visibility.
- 3) Plant materials should be selected to achieve their intended purpose, such as shade, screening, or ornamentation. When located within 20 feet of any road, parking lot or other paved area, plant materials shall consist of species recognized by the nursery, horticulture and botanical industries as being tolerant of roadway deicing salts.
- 4) Plantings should be arranged in relation to buildings to promote energy conservation wherever practicable. For example, tall deciduous trees might be placed to provide shade from the summer sun and evergreens might be concentrated where they will dissipate the effect of winter winds.
- 5) Parking lots shall be landscaped with landscaped islands and screened with landscaping along the perimeter of the property.
- 6) The entity that owns and is legally responsible for common open space and common facilities in an OSFPD shall be responsible for the maintenance, repair, and replacement of all landscaping materials on the premises. Plant material not in healthy condition shall be replaced or nursed to restore good health, and shall be kept free of refuse and debris. In addition, fences, walls, and other barriers shall be maintained in good repair. Failure to install or to maintain all landscaping shown on the approved Development Plan shall be a violation of this Bylaw.

E. Building Placement. To the extent reasonable and practical, an OSFPD should:

- 1) Preserve attractive views, especially from the vantage point of major roadways and adjacent or nearby residential neighborhoods.
- 2) Avoid regular spacings and building placements that will be viewed as continuous walls from important vantage points.
- 3) Avoid the placement of structures, common area facilities, and private space related to individual units in a manner that eclipses views or access to open space areas.
- 4) Locate taller buildings away from public ways existing prior to the development and abutting residential areas existing prior to the development.

- 5) Orient structures toward the street or access road serving the premises, not toward parking areas.

F. Building Design. To the extent reasonable and practical, the design of buildings in an OSFPD should:

- 1) Provide human-scale features, especially at lower levels.
- 2) Avoid unarticulated and monotonous building facades and window placement.
- 3) Incorporate materials and building treatments that reduce the visibility of the buildings from distant vantage points and are compatible with backgrounds and surroundings.
- 4) Incorporate materials and colors compatible with other quality buildings of similar scale in the vicinity.
- 5) Provide variety in building heights and varied roofline articulation that stresses New England vernacular architecture.

G. Circulation, Parking and Public Safety.

- 1) All areas designed for vehicular use shall be surfaced in accordance with current Town standards.
- 2) Walkways and bicycle paths should link buildings with parking areas, recreation facilities and, where applicable, adjacent public land. For pedestrian safety, all pedestrian walkways that cross or extend along the perimeter of any parking area shall be composed of a visually distinctive raised, textured or color-treated surface.
- 3) Bridle paths and trails should be connected, preserved, and increased when possible.
- 4) Parking. Two off-street parking spaces shall be provided per dwelling unit.
- 5) Buildings, structures, fences, lighting, and fixtures on each site shall be placed so as to not unduly interfere with traffic circulation, safety, appropriate use and enjoyment of adjacent properties.

- a. All roadway and driveway designs shall take into consideration safe sight distances at intersections and along all traveled ways, as determined by the Hamilton Public Works Department, Planning Board, and the Chief of Police. Clear sight distances shall take into account topography, density of dwelling units or intensity of use, and horizontal and vertical alignment. The applicant shall use all appropriate, commercially reasonable measures to achieve adequate clear sight distance without removing obstructions that have scenic, natural or historical significance
- b. An OSFPD shall be designed to include adequate water supply distribution and storage for fire protection. Vehicular circulation shall consider the access needs of emergency and public safety vehicles. In the case of development adjacent to large amounts of forested areas, the design shall also consider fire breaks and trail access. The adequacy of the foregoing public safety measures shall be to the reasonable satisfaction of the Hamilton Police Chief and Fire Chief, as applicable.

H. Other Requirements

- 1) All utility service transmission systems, including but not limited to water, sewer, natural gas, electrical, telephone and cable lines shall be placed underground.
- 2) Exposed storage areas, machinery, solid waste dumpsters, recyclable storage, service areas, truck loading areas, utility buildings and structures shall be screened from view of abutting properties and streets. All dumpsters shall be covered at all times (except when being emptied or filled) and shall be located in designated areas
- 3) All lots in an OSFPD shall contain a reference in the title to a requirement that circulation systems and drainage areas shall remain in private ownership in perpetuity.

6. Recording of Documentation.

A. In its Decision, if necessary, the Planning Board shall create a timetable for transfer of open space, recording of Conservation Restrictions, Deed Restrictions, trail, bridle path, and other easements, etc.

B. A note must appear on the approved plan: "This plan has been approved subject to a Special Permit for Open Space and Farmland Preservation Development, Recorded in Book _____ Page _____, and no further subdivision of lots or parcels may take place."

C. Following the appeal period for a positive decision, the Applicant shall be responsible for recording all documentation and plans and shall provide the Planning Board with proof of recording, prior to any infrastructure construction or issuance of a Building Permit

D. Draft legal documents, as applicable, to provide for common open space or facilities, deeds, restrictions, easements and other documentation for the Common Open Space shall be prepared by the Applicant, and reviewed by Town or other Counsel at the Applicant's expense, and shall be recorded with the Planning Board Decision at the Registry of Deeds, unless otherwise addressed in the Planning Board Decision. A note to that effect should be written in the Planning Board's Conditions of Approval.

7. Digital Data Requirement. Digital data of the final approved plan shall be provided for incorporation into the Town's GIS software package, in accordance with the Hamilton Planning Board Subdivision Regulations.

8. Performance Guarantee.

A. As a condition of Cluster Design Plan approval, the Planning Board shall require that a Performance Guarantee, in one of the methods described in M.G.L. Chapter 41, Section 81U, with such method approved by the Planning Board, be posted with the Town to guarantee completion of improvements to be made in compliance with the plans submitted and approved hereunder. The amount of security shall be 250% of the full cost of all site construction improvements as determined by an estimate from the Applicant's engineer, which may be confirmed or increased by the Planning Board. The Board may also require that an amount be included for land restoration not having to do with the construction of improvements.

B. The Town may use the secured funds for their stated purpose in the event that the applicant does not complete all improvements in a manner satisfactory to the Planning Board within two years from the date of approval, or another mutually agreed upon date, or extension thereof.

9. Construction and Inspections

A. A Pre-Construction Conference shall be scheduled prior to construction of infrastructure or buildings. The Fire and Police Chiefs, Town Administrator, Director of Public Works, Conservation Commission, Building Inspector, and Board of Health, and the Town's Consulting Engineer shall be invited to attend. The Owner, Applicant, Construction Manager, Contractor, and any other necessary personnel, shall also attend on behalf of the developer. A Construction Schedule, List of Name, Address, and Contact Information for all of the Applicant's contractors shall be provided, and anticipated dates for which building permit applications will be submitted to the Town, which schedule may be subject to revision.

B. The Planning Board shall hire an Inspector (Agent) to review and inspect various stages of construction, as outlined in the Decision of the Planning Board. No succeeding operation or phase of an operation shall commence until the previous phase has been approved by the Board or its Agent.

C. The project may be inspected at any time by any officer or board of the town or any agent of such officer or board.

D. All fees for inspection shall be paid for by the developer, under the terms of M.G.L. Section 44, Section 53G, and the Hamilton Zoning Bylaw.

10. As-Built Plan. Prior to the release of a construction bond, an As-Built Plan and a letter of certification shall be submitted to the Planning Board by a Registered Professional Engineer, Registered

Architect, Registered Landscape Architect or Registered Land Surveyor, as appropriate to the work involved, that all work has been done substantially in compliance with the approved Cluster Design Plan. The As-Built Plan shall attest to the development's conformity to its approved plan by indicating landscaping, buildings, drainage flow, number of parking spaces, and limits of parking areas and drives, location of utilities, and shall be prepared in accordance with the Planning Board's Subdivision Regulations.

LIST OF APPENDICES

Appendix A	Application
Appendix B	Thresholds
Appendix C	Flow Chart

APPENDIX A

HAMILTON PLANNING BOARD APPLICATION FOR CLUSTER DESIGN PLAN APPROVAL

Name of Owner _____ Telephone Number _____
(if acting as Agent, attach authorization signed by Owner)

Address _____ City _____ State _____ Zip Code _____

Name of Applicant _____ Telephone Number _____

Address _____ City _____ State _____ Zip Code _____

Name of Engineer/Representative _____ Telephone Number _____

Address _____ City _____ State _____ Zip Code _____

Location of Proposed Project

Street Address _____ Assessors Map & Lot # _____

Zoning District _____ Soils Classification _____ Overlay Districts _____

Recording Information

Deed Book _____ Page _____ Plan Book _____ Page _____

(Attach a copy of the deed)

Special Permit recorded Book _____ Page _____ Date Recorded _____

Title of Plan/Submittal _____

Date of Plan _____ Number of Plan Sheets _____

If location is Route 1A, have you obtained approval for curbcut(s) from the State Department of Public Works? If so, please attach copy of approval.

List any other approvals or variances received, applied for, or required from other Town or State departments, boards, or agencies:

DEPARTMENT/AGENCY	APPROVAL REQUIRED	DATE RECEIVED

Signature of Owner _____ Date _____

_____ Date _____

Signature of Applicant _____ Date _____

_____ Date _____

For Planning Board Use:

Date Application Filed	_____			
Date of Public Hearing	_____			
Date Hearing Closed	_____			
Date Decision Due	_____			
Date of Extension(s)	_____	_____	_____	_____
Date Decision Filed with Town Clerk	_____			
Date Decision Mailed to Applicant	_____			

**APPENDIX B
HAMILTON PLANNING BOARD**

THRESHHOLDS

The following Thresholds have been outlined in order to assist in assessing Applicability of the OSFPD Zoning Bylaw.

- **First Threshold:** Does the applicant propose to divide a ten+ acre site into five or more house lots? If YES, the bylaw applies.
- **Second Threshold:** Does the applicant propose to divide a ten+ acre site into fewer than five lots? If YES, the bylaw does not apply unless the site was already divided in the past 24 months and the sum of previously approved lots plus the proposed ones equals five or more new residential lots. This is the definition of "segmentation." To administer it, the Planning Board would need to determine what was on the site 24 months ago.
- **Third Threshold:** Does the applicant want to build five or more dwelling units on a single parcel of land, without lotting, regardless of parcel size? If YES, the bylaw applies.
- **Fourth Threshold:** Even if the bylaw applies on the basis of land area or project size, are there any conditions that would be exempt? YES: construction on lots created prior to the effective date of the bylaw, and dwelling units created by conversion of an existing building.

APPENDIX C

HAMILTON PLANNING BOARD OSFPD FLOW CHART



